

TITLE 36
FISH AND GAME

CHAPTER 7
CAPTIVE WILDLIFE

36-701. WILDLIFE HELD CAPTIVE WITHOUT LICENSE OR PERMIT UNLAWFUL -- EXCEPTIONS. (a) No person shall engage in any propagation or hold in captivity any species of big game animal found wild in this state, unless the person has been issued a license or permit by the director as hereinafter provided.

(b) All other species of mammals, birds or reptiles that are found in the wild in this state and are not species of special concern or threatened and endangered species, may be held in captivity without permit so long as the possessor retains proof that such wildlife was lawfully obtained. Such proof shall be maintained and presented to department representatives in accordance with section [36-709](#), Idaho Code.

(c) Exceptions.

1. No such license or permit shall be required of any municipal, county, state or other publicly owned zoo or wildlife exhibit or of any traveling circus, menagerie or trained act of wild animals not permanently located within the state of Idaho nor of any bona fide pet store displaying lawfully acquired wildlife for sale nor of any fur farm regulated and inspected pursuant to [chapter 30, title 25](#), Idaho Code, nor of any domestic cervidae farm regulated and inspected pursuant to [chapter 37, title 25](#), Idaho Code.

2. Except for the provisions of subsection (d) of this section and section [36-709](#), Idaho Code, relating to inspection and records of same, nothing in this chapter shall be so construed as to apply to any exotic wildlife, or domestic fur farm operated under the provisions of [title 25](#), Idaho Code, or any tropical fish or other aquaria or ornamental fish which the commission determines do not pose a threat to native fish if released into the public waters of the state.

3. Except for the provisions of section [36-709](#)(b), Idaho Code, relating to inspection of facilities, nothing in this chapter shall be so construed as to apply to any domestic cervidae farm.

(d) Wildlife Import -- Export -- Release Permits -- Fees. No person shall import into this state or export out of this state or release in the wild any species of wildlife except by permit issued by the director and in accordance with rules promulgated by the commission. The fee per occurrence for each permit shall be as specified in section [36-416](#), Idaho Code. No fee shall be charged for a department benefit permit.

[36-701, added 1976, ch. 95, sec. 2, p. 342; am. 1990, ch. 282, sec. 1, p. 789; am. 1992, ch. 81, sec. 15, p. 236; am. 1994, ch. 73, sec. 2, p. 153; am. 2000, ch. 211, sec. 21, p. 564; am. 2004, ch. 182, sec. 8, p. 571.]

36-703. COMMERCIAL WILDLIFE FARMS -- RESTRICTIONS -- LICENSE. No person shall obtain, possess, preserve, or propagate any species of big game animals found wild in this state for the purpose of selling the same unless he has first secured a commercial wildlife farm license from the director.

(a) License Provisions. Such license may be issued by the director upon his finding that:

1. Such commercial wildlife farm is located entirely on private property owned or leased by the applicant.
2. Said farm is constructed so as not to contain any land where wild big game animals naturally abound.
3. Said farm is so enclosed as to prevent escape of big game commercial farm animals therefrom and prevent entry thereon of the same species of publicly owned big game animals.
4. The application for such license is made upon a form provided by the department which sets forth such information as may be required by the director.
5. The property boundaries are posted as being a commercial wildlife farm in at least three (3) separate, conspicuous places in addition to all entrance roadways.
6. The approved application is accompanied by a license fee as specified in section [36-416](#), Idaho Code.

(b) Separate Locations to Be Licensed. A license must be had for each and every separate location. Said license shall expire June 30 in each year.

(c) Records of Transactions Required. A current record shall be made by the licensee of each and every sale, purchase or shipment and such records shall be kept for two (2) years and shall be subject to inspection by the director upon his request.

(d) Receipt Required. A receipt shall be issued to each purchaser identifying the wildlife farm source and specifying the number and kinds of animals and the date of sale.

[36-703, added 1976, ch. 95, sec. 2, p. 344; am. 1990, ch. 282, sec. 2, p. 790; am. 2000, ch. 211, sec. 22, p. 565.]

36-704. PROPAGATION OF PUBLICLY OWNED WILDLIFE PROHIBITED. No person shall capture or possess any wildlife, owned or held in trust by the state, for any purpose, except as otherwise provided in this title or by commission regulation promulgated pursuant hereto.

[36-704, added 1976, ch. 95, sec. 2, p. 345; am. 1992, ch. 81, sec. 16, p. 237.]

36-705. STEALING FROM AUTHORIZED HATCHERIES -- FARMS. It is unlawful for any unauthorized person to take or carry away any fish or wild animal or wild bird from any county, state, federal or private fish hatchery, fish trap, fish holding pond, or wildlife farm authorized to operate in this state under provisions of this title.

[36-705, added 1976, ch. 95, sec. 2, p. 345; am. 1979, ch. 85, sec. 2, p. 207.]

36-706. PRIVATE PARKS AND PONDS -- NONCOMMERCIAL -- PERMIT REQUIRED. No person shall establish and maintain a private park or pond on premises owned or leased by him and obtain, possess, transport, propagate and process for his own personal pleasure and use any fish approved by the commission, or any big game animals found wild in this state unless he has first obtained a permit from the director.

(a) Permit Requirements. Such permit may be issued by the director upon his finding that:

1. Such private park or pond is not constructed in or across any natural stream bed, lake, or other watercourse containing wild fish, or on lands where wildlife abounds, except when it has been determined by the commission that the water flow and volume of wildlife concerned in such proposed private ponds, waters or parks are not a significant part of the wildlife resource of the state.

2. The private park or pond is located entirely on private property owned or leased by the applicant.

3. Any dam constructed to divert water into such private pond meets all requirements as provided in section [36-906](#)(a), Idaho Code.

4. All inlets to such private pond are screened at the point of diversion as provided in section [36-906](#)(b), Idaho Code, to prevent the entrance of wild fish into the private pond.

5. The application for such permit is made upon a form provided by the department which sets forth such information as may be required by the director.

6. The lands proposed for use as a park are so fenced as to prevent the escape of private wildlife therefrom and prevent the entry thereon of publicly owned big game animals.

7. Said park or pond shall be posted in three (3) separate conspicuous places and all entrance roads.

(b) Separate Locations -- Permits Required. Such a park or pond permit must be had for each and every location. A park permit may be had upon payment of a fee as specified in section [36-416](#), Idaho Code. Said permit shall expire June 30 in each year. A pond permit shall expire on June 30 of the fifth fiscal year after the date of issue.

(c) Live Fish Transportation Permit. The commission may, under rules as it may prescribe, issue a live fish transportation permit. The permit may be had upon payment of a fee as specified in section [36-416](#), Idaho Code. No fee shall be charged for a department benefit permit.

[36-706, added 1976, ch. 95, sec. 2, p. 345; am. 1990, ch. 282, sec. 3, p. 790; am. 2000, ch. 211, sec. 23, p. 565; am. 2001, ch. 125, sec. 2, p. 446; am. 2003, ch. 13, sec. 1, p. 31.]

36-707. UNLAWFUL TO MAINTAIN, SELL OR PURCHASE WILDLIFE FROM PRIVATE PARKS OR PONDS. No person shall maintain a private park or pond without having a valid permit, or to sell or purchase any fish or big game animals found wild in this state which is possessed or propagated in such private park or pond. No person shall trespass upon a private park or pond posted in accordance with this chapter.

[36-707, added 1976, ch. 95, sec. 2, p. 346; am. 1990, ch. 282, sec. 4, p. 791; am. 1992, ch. 81, sec. 17, p. 237.]

36-708. HUMANE TREATMENT -- COMMISSION AUTHORIZED TO MAKE RULES. The commission is hereby authorized to promulgate regulations relating to standards of sanitation, humane treatment, proper care, and the maintenance of any species of big game animals found wild in this state that is held in captivity including wildlife held under licenses or permits issued under the provisions of this chapter or other regulations issued by the commission. In addition to any other penalties, the failure of a licensee or permittee to comply with said regulations shall be grounds for the director to revoke such license or permit.

[(36-708) 1976, ch. 95, sec. 2, p. 346; am. and redesignated 1990, ch. 282, sec. 6, p. 791; am. 1992, ch. 81, sec. 18, p. 237.]

36-709. REASONABLE INSPECTION -- NOTICE OF VIOLATION -- REQUIRED RECORDS. (a) Inspection of Facilities Operated Under License or Permit. As a condition to the issuance of a license or permit for the confinement of wildlife as hereinbefore provided in this chapter, the director or his duly authorized representative shall have the right at any reasonable time to enter upon and inspect any facility and wildlife held in captivity. The director shall give written notice of any violation and shall specify a reasonable time of not less than ten (10) days to remove or eliminate the violation. If upon the expiration of such time the violation has not been removed or eliminated, he may issue a citation and pursue the matter in a court of competent jurisdiction.

(b) Inspection of Other Facilities. The director or his duly authorized representatives shall have the right at any reasonable time to go upon and inspect any fur farm or domestic cervidae farm operated under the provisions of [title 25](#), Idaho Code, as amended, or any other facilities where wildlife, including birds, is held in captivity without a permit.

(c) Records Required. Any person who imports, possesses or sells any wildlife, exotic or found wild in this state, shall keep accurate records as to the dates, names and addresses of persons or facilities from which the wildlife was obtained, as well as records of disposal, purchase or sale of any wildlife in their possession or possessed during the past five (5) years. Such records shall be produced at the request of the director or his duly authorized representative.

(d) Failure to Allow Inspection or to Produce Records. No person shall refuse reasonable inspection or to fail to maintain or to produce records for the director or his representative on request.

[(36-709) 1976, ch. 95, sec. 2, p. 347; am. 1979, ch. 85, sec. 3, p. 207; am. and redesignated 1990, ch. 282, sec. 7, p. 792; am. 1992, ch. 81, sec. 19, p. 237; am. 1994, ch. 73, sec. 3, p. 154.]

36-710. PENALTY. Any licensee or permittee who shall be convicted of violating any of the provisions of this chapter may have his license or permit revoked by the court for a period of not to exceed twelve (12) months next following such conviction. All wildlife held under said license or permit so revoked or held without proper records shall be disposed of as determined by the court.

[(36-710) 1976, ch. 95, sec. 2, p. 347; am. 1979, ch. 85, sec. 4, p. 208; am. and redesignated 1990, ch. 282, sec. 8, p. 792; am. 1992, ch. 81, sec. 20, p. 238.]

36-711. REGULATION OF DOMESTIC FUR-BEARING ANIMALS AND DOMESTIC CERVIDAE. The authority to regulate the breeding, raising, producing, marketing or any other phase of the production or distribution, of domestic fur-bearing animals as defined in [chapter 30, title 25](#), Idaho Code, and domestic cervidae as defined in [chapter 37, title 25](#), Idaho Code, or the products thereof, is vested in the department of agriculture. Nothing in this section shall limit or affect the powers or duties of the fish and game commission and the department of fish and game relating to nondomestic fur-bearing animals and cervidae or the capture and taking thereof.

[36-711, added 1990, ch. 282, sec. 9, p. 793; am. 1994, ch. 73, sec. 4, p. 154; am. 2006, ch. 226, sec. 3, p. 678.]

36-712. TATTOOING OF WOLVES -- WHEN REQUIRED. (a) Any wolf that is captured alive to be later released or which is born or held in captivity for any purpose must be reported to the department within three (3) days of the capture or commencement of captivity. Any person found guilty of capturing or holding in captivity and failing to report the animal as required in this section, shall be punished by a fine not in excess of one thousand dollars (\$1,000) for each animal the person possesses which has not been reported as required in this section.

(b) Each animal reported as required in subsection (a) of this section shall be permanently tattooed in a manner that will provide positive individual identification of the animal. No tattoo is required under this section if the animal is subject to a permanent individual identification process by another state or federal agency.

(c) Any person holding a wolf in captivity shall immediately report to the department any death, escape, release, transfer of custody or other disposition of the animal.

(d) Any canine exhibiting primary wolf characteristics shall be classified as a wolf for the purpose of identification. All such canines shall be tattooed, registered and licensed by the department of fish and game. The fee for the license shall be as specified in section [36-416](#), Idaho Code.

[36-712, added 1987, ch. 323, sec. 1, p. 679; am. 1988, ch. 218, sec. 1, p. 413; am. 1992, ch. 81, sec. 21, p. 238; am. 2000, ch. 211, sec. 24, p. 566.]

36-713. RECORDS. The department shall maintain a record of each animal reported to it, pursuant to section [36-712](#), Idaho Code. The record shall indicate:

- (1) The person by whom the animal was captured or is held in captivity;
- (2) The location of the capture or captivity;
- (3) The date the animal was tattooed;
- (4) The purpose of the captivity or capture; and
- (5) Any death, escape, release, transfer of custody, or other disposition of the animal.

[36-713, added 1987, ch. 323, sec. 1, p. 679; am. 2000, ch. 211, sec. 25, p. 567.]

36-714. COMPENSATION FOR DAMAGE CAUSED BY ANIMAL HELD IN CAPTIVITY -- EXCEPTIONS. (1) If any wolf that is held in captivity or that escapes from such captivity causes any damage to the personal property of another person, compensation for the damage shall be paid by the person holding or who held the animal in captivity.

(2) The provisions of subsection (1) do not apply to those animals captured and released as part of an ongoing game management program, an ongoing predator control program or as part of a scientific, educational or research program as certified by the department unless the animals have been involved in livestock killing.

[36-714, added 1987, ch. 323, sec. 1, p. 679.]

36-715. WOLVES -- TRANSITION -- AUTHORITIES AND DUTIES OF THE OFFICE OF SPECIES CONSERVATION -- FISH AND GAME COMMISSION -- DEPARTMENT OF FISH AND GAME. (1) During the transition from federal management of wolves to state management, the governor's office of species conservation shall be the lead agency and direct implementation of wolf management policy. The department of fish and game may assist the office of species conservation in efforts to expedite an orderly transition to state management of wolves pursuant to the provisions of the Idaho wolf conservation and management plan. This transition shall be implemented through new or existing cooperative agreements with any agency, department or entity of the United States government or any state agencies as authorized by the Idaho wolf conservation and management plan.

(2) The office of species conservation, and the commission through the department, are authorized to participate in activities regarding nuisance wolves, and are allowed to meet and confer with state, local and federal agencies, departments or entities or federally recognized Indian tribes to discuss monitoring wolf recovery programs. Additionally, the office of species conservation, and the commission through the department, may cooperate with the legislature, counties, federal agencies, departments, such as the United States department of agriculture wildlife services, entities or federally recognized Indian tribes regarding damage complaints, depredation, effects on ungulate populations, and other conflicts regarding wolves in this state.

(3) The office of species conservation, in conjunction with the department, shall prepare and submit an annual report to the senate resources and environment committee and the house resources and conservation committee on the implementation and progress of the Idaho wolf conservation and management plan. Such report shall document gray wolf effects upon wildlife, depredation on domestic livestock, and any other subject matter as deemed appropriate and requested in writing by the chairman of the senate resources and environment committee or the chairman of the house resources and conservation committee, or any member of the legislature.

(4) The office of species conservation, in conjunction with the department, is authorized to develop and coordinate wolf management plans with state agency officials of the states of Wyoming and Montana.

(5) In implementing the wolf conservation and management plan, the office of species conservation, and the commission through the department, shall consult with local units of government with respect to, and take into consideration, local economies, custom, culture, and private property rights. The office of species conservation and the department may consult with federal entities and shall coordinate with state and local government entities in the implementation of the plan.

(6) The department of fish and game, under the direction of the commission, is authorized to participate in the development of wolf delisting procedures and interim management activities including, but not limited to, studies relating to the management of game herds impacted by wolves.

[36-715, added 1988, ch. 218, sec. 2, p. 413; am. 1992, ch. 272, sec. 1, p. 843; am. 1993, ch. 332, sec. 1, p. 1231; am. 1994, ch. 382, sec. 1, p. 1228; am. 1997, ch. 235, sec. 1, p. 685; am. 1999, ch. 87, sec. 1, p. 288; am. 2000, ch. 369, sec. 1, p. 1223; am. 2002, ch. 327, sec. 1, p. 918; am. 2003, ch. 302, sec. 2, p. 831.]